

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 9, 2009**

DIVISION ONE

B211622      People                                  (Certified for Publication)  
v.  
Gutierrez

The judgment is affirmed.

Rothschild, J.

We concur:   Mallano, P.J.  
                      Chaney, J.

DIVISION TWO

B207431 Hotels Nevada, LLC.  
v.  
L.A. Pacific Center, Inc.

Filed order denying petition for rehearing.

B200622      Kinder  
v.  
Kinder

Filed order denying petition for rehearing.

## DIVISION THREE

B209607      Wolin      (Not for Publication)  
v.  
City of Los Angeles Police Department

The order is affirmed. The Department shall receive costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B211399 People (Not for Publication)  
v.  
Kimberly Carter

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

## DIVISION FOUR

B212133      People  
                    v.  
                    Thompson

Filed order denying petition for rehearing.

B209364      Yagman, et al.  
v.  
Colello

Filed order denying petition for rehearing.

## DIVISION FOUR (continued)

[illegible]

The award of \$170,545.88 to the Hurs to compensate for out-of-pocket operating losses is reversed. The award of \$100,000 to the Hurs for punitive damages is reversed as to Joy Realty only. In all other respects, the judgment is affirmed. Each party is to bear his, her or its own costs on appeal.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

B211535      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Martin O.

The order declaring appellant an alleged father only is reversed. The finding of jurisdiction under section 300, subdivision (b) is reversed. In all other respects the judgment is affirmed. On remand, the court is instructed to enter an order declaring appellant the presumed father of J.O.I, B.O. and J.O.II and to make the inquiry concerning appellant's possible Indian ancestry required by ICWA and the California Rules of Court.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

September 9, 2009 (Continued)

## DIVISION FOUR (continued)

B214428 People (Not for Publication)  
v.  
Roman

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

DIVISION FIVE

B212977 People (Not for Publication)  
v.  
Johnny Webster

The judgment of conviction is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B211015	People v. Eric Sanford
B211041	People v. Eric Sanford

Filed order consolidating appeals.

DIVISION SIX

Court convened at 9:00 a.m.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

DIVISION SIX (continued)

B207130      Sprague v. Chicago Title Co.

Argument waived, cause submitted.

B210787      Keller  
v.  
Tuesday Morning, Inc.

Merits:

Argued by Aashish Yadvendra Desai for appellant and by Robert M. Dawson for respondent. Cause submitted.

B212110      Reyes  
v.  
State of California

Merits:

Argued by Laura Lynn Cota for appellant and by David Adida, Deputy Attorney General, for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B209277      Friends of Outer State Street v. City of Santa Barbara

Oral argument continued to November, 2009.

Each of the following:

B214017 San Luis Obispo Dept. of Social Services v. M.W. and A.B.  
B214739 Santa Barbara Child Welfare Services v. T.M.

Argument waived, cause submitted.

DIVISION SIX (continued)

B198675      Codner  
                  v.  
                  Wills

Merits:

Argued by Julie L. Woods for appellant; by Steven C. Kirby for respondents Codner, et al.; by John Mark Jennings for respondent / appellant In-N-Out Burgers; and by Scott H.Z. Sumner for amicus curiae in support of respondents Codner, et al. Cause submitted.

B210779      Dunne  
                  v.  
                  Lar

Merits:

Argued by Patric Harry Ray Weddle for appellant and by Aris Karakalos for respondent. Cause submitted.

Court recessed.

Court reconvened at 3:25 p.m.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B211482      Marriage  
                  of  
                  Mendelson

Merits:

Argued by Starsea L. Mendelson, appellant, appearing in propria persona. Respondent previously waived oral argument. Cause submitted.

Court adjourned.

September 9, 2009 (Continued)

## DIVISION SIX (continued)

[illegible]

Appellant's conviction of pandering in violation of section 266i, subdivision (a)(2) is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

## DIVISION SEVEN

B210570      People                          (Not for Publication)  
v.  
Dean

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The matter is remanded to the trial court for resentencing. The clerk of the superior court is then directed to prepare a corrected abstract of judgment and forward a certified copy of the abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

[illegible]

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

DIVISION EIGHT

B213926     In re T.S.  
Los Angeles County, D.C.F.S.     (Not for Publication)  
v.  
S.W.

The judgment is affirmed.

Flier, J.

We concur:   Rubin, Acting P.J.  
                  Bigelow, J.

B213295     In re B.P.  
Los Angeles County, D.C.F.S.     (Not for Publication)  
v.  
B.P.

The maximum term of confinement set by the trial court is stricken. In all other respects, the judgment is affirmed.

Flier, J.

We concur:   Rubin, Acting P.J.  
                  Bendix, J. (Assigned)

B203691     John Daniel Williams et al.,     (Certified for Publication)  
v.  
Hilb, Rogal & Hobbs Insurance Services of California, Inc.,

The judgment is affirmed. John Daniel Williams and Steven Stuart Simon are to recover their costs on appeal.

Bendix, J. (Assigned)

We concur:   Rubin, Acting P.J.  
                  Bigelow, J.



## DIVISION EIGHT (continued)

B210559 People (Not for Publication)  
v.  
Lewis Barbee

The judgment shall be corrected to show that appellant has one strike and not two strikes. A copy of the modified judgment shall be sent to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Bigelow, J.

B198592 People  
v.  
Cory Robinson & Brandale Robinson

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)